

## Environmental Protection Agency

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certifying its accuracy, that shall be submitted to the Administrator.

(ii) Separate start-up, shutdown, or malfunction reports are not required if the information is included in the report specified in paragraph (b)(6) of this section.

(6) A summary report specified in §63.10(e)(3) of this part shall be submitted on a semi-annual basis (i.e., once every 6-month period). These summary reports are required even if the affected source does not have any control devices or does not take the performance of any control devices into account in demonstrating compliance with the emission limitations in §63.824 or §63.825. In addition to a report of operating parameter exceedances as required by §63.10(e)(3)(i), the summary report shall include, as applicable:

(i) Exceedances of the standards in §§63.824–63.825.

(ii) Exceedances of either of the criteria of §63.820(a)(2).

(iii) Exceedances of the criterion of §63.821(b)(1) and the criterion of §63.821(b)(2) in the same month.

(iv) Exceedances of the criterion of §63.821(a)(2)(ii)(A).

[61 FR 27140, May 30, 1996, as amended at 71 FR 29804, May 24, 2006]

### §63.831 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal

agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§63.820 through 63.821 and 63.823 through 63.826.

(2) Approval of alternatives to the test method for organic HAP content determination in §63.827(b) and alternatives to the test method for volatile matter in §63.827(c), and major alternatives to other test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.

[68 FR 37354, June 23, 2003]

§§63.832–63.839 [Reserved]

TABLE 1 TO SUBPART KK OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART KK

General provisions reference	Applicable to subpart KK	Comment
§ 63.1(a)(1)–(a)(4) .....	Yes.	
§ 63.1(a)(5) .....	No .....	Section reserved.
§ 63.1(a)(6)–(a)(8) .....	No.	
§ 63.1(a)(9) .....	No .....	Section reserved.
§ 63.1(a)(10)–(a)(14) .....	Yes.	
§ 63.1(b)(1) .....	No .....	Subpart KK specifies applicability.
§ 63.1(b)(2)–(b)(3) .....	Yes.	
§ 63.1(c)(1) .....	Yes.	
§ 63.1(c)(2) .....	No .....	Area sources are not subject to subpart KK.
§ 63.1(c)(3) .....	No .....	Section reserved.
§ 63.1(c)(4) .....	Yes.	
§ 63.1(c)(5) .....	No.	
§ 63.1(d) .....	No .....	Section reserved.
§ 63.1(e) .....	Yes.	
§ 63.2 .....	Yes .....	Additional definitions in subpart KK.

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General provisions reference	Applicable to subpart KK	Comment
§ 63.3(a)–(c) .....	Yes.	
§ 63.4(a)(1)–(a)(3) .....	Yes.	
§ 63.4(a)(4) .....	No .....	Section reserved.
§ 63.4(a)(5) .....	Yes.	
§ 63.4(b)–(c) .....	Yes.	
§ 63.5(a)(1)–(a)(2) .....	Yes.	
§ 63.5(b)(1) .....	Yes.	
§ 63.5(b)(2) .....	No .....	Section reserved.
§ 63.5(b)(3)–(b)(6) .....	Yes.	
§ 63.5(c) .....	No .....	Section reserved.
§ 63.5(d) .....	Yes.	
§ 63.5(e) .....	Yes.	
§ 63.5(f) .....	Yes.	
§ 63.6(a) .....	Yes.	
§ 63.6(b)(1)–(b)(5) .....	Yes.	
§ 63.6(b)(6) .....	No .....	Section reserved.
§ 63.6(b)(7) .....	Yes.	
§ 63.6(c)(1)–(c)(2) .....	Yes.	
§ 63.6(c)(3)–(c)(4) .....	No .....	Sections reserved.
§ 63.6(c)(5) .....	Yes.	
§ 63.6(d) .....	No .....	Section reserved.
§ 63.6(e) .....	Yes .....	Provisions pertaining to start-ups, shutdowns, malfunctions, and CMS do not apply unless an add-on control system is used.
§ 63.6(f) .....	Yes.	
§ 63.6(g) .....	Yes.	
§ 63.6(h) .....	No .....	Subpart KK does not require COMS.
§ 63.6(i)(1)–(i)(14) .....	Yes.	
§ 63.6(i)(15) .....	No .....	Section reserved.
§ 63.6(i)(16) .....	Yes.	
§ 63.6(j) .....	Yes.	
§ 63.7 .....	Yes.	
§ 63.8(a)(1)–(a)(2) .....	Yes.	
§ 63.8(a)(3) .....	No .....	Section reserved.
§ 63.8(a)(4) .....	No .....	Subpart KK specifies the use of solvent recovery devices or oxidizers.
§ 63.8(b) .....	Yes.	
§ 63.8(c)(1)–(3) .....	Yes.	
§ 63.8(c)(4) .....	No .....	Subpart KK specifies CMS sampling requirements.
§ 63.8(c)(5) .....	No .....	Subpart KK does not require COMS.
§ 63.8(c)(6)–(c)(8) .....	Yes .....	Provisions for COMS are not applicable.
§ 63.8(d)–(f) .....	Yes.	
§ 63.8(g) .....	No .....	Subpart KK specifies CMS data reduction requirements.
§ 63.9(a) .....	Yes.	
§ 63.9(b)(1) .....	Yes.	
§ 63.9(b)(2) .....	Yes .....	Initial notification submission date extended.
§ 63.9(b)(3)–(b)(5) .....	Yes.	
§ 63.9(c)–(e) .....	Yes.	
§ 63.9(f) .....	No .....	Subpart KK does not require opacity and visible emissions observations.
§ 63.9(g) .....	Yes .....	Provisions for COMS are not applicable.
§ 63.9(h)(1)–(h)(3) .....	Yes.	
§ 63.9(h)(4) .....	No .....	Section reserved.
§ 63.9(h)(5)–(h)(6) .....	Yes.	
§ 63.9(i) .....	Yes.	
§ 63.9(j) .....	Yes.	
§ 63.10(a) .....	Yes.	
§ 63.10(b)(1)–(b)(3) .....	Yes.	
§ 63.10(c)(1) .....	Yes.	
§ 63.10(c)(2)–(c)(4) .....	No .....	Sections reserved.
§ 63.10(c)(5)–(c)(8) .....	Yes.	
§ 63.10(c)(9) .....	No .....	Section reserved.
§ 63.10(c)(10)–(c)(15) .....	Yes.	
§ 63.10(d)(1)–(d)(2) .....	Yes.	
§ 63.10(d)(3) .....	No .....	Subpart KK does not require opacity and visible emissions observations.
§ 63.10(d)(4)–(d)(5) .....	Yes.	
§ 63.10(e) .....	Yes .....	Provisions for COMS are not applicable.
§ 63.10(f) .....	Yes.	
§ 63.11 .....	No .....	Subpart KK specifies the use of solvent recovery devices or oxidizers.
§ 63.12 .....	Yes.	
§ 63.13 .....	Yes.	
§ 63.14 .....	Yes.	

General provisions reference	Applicable to subpart KK	Comment
§ 63.15 .....	Yes.	

# APPENDIX A TO SUBPART KK OF PART 63—DATA QUALITY OBJECTIVE AND LOWER CONFIDENCE LIMIT APPROACHES FOR ALTERNATIVE CAPTURE EFFICIENCY PROTOCOLS AND TEST METHODS

## 1. Introduction

1.1 Alternative capture efficiency (CE) protocols and test methods that satisfy the criteria of either the data quality objective (DQO) approach or the lower confidence limit (LCL) approach are acceptable under § 63.827(f). The general criteria for alternative CE protocols and test methods to qualify under either the DQO or LCL approach are described in section 2. The DQO approach and criteria specific to the DQO approach are described in section 3. The LCL approach and criteria specific to the LCL approach are described in section 4. The recommended reporting for alternative CE protocols and test methods are presented in section 5. The recommended recordkeeping for alternative CE protocols and test methods are presented in section 6.

1.2 Although the Procedures L, G.1, G.2, F.1, and F.2 in § 52.741 of part 52 were developed for TTE and BE testing, the same procedures can also be used in an alternative CE protocol. For example, a traditional liquid/gas mass balance CE protocol could employ Procedure L to measure liquid VOC input and Procedure G.1 to measure captured VOC.

## 2. General Criteria for DQO and LCL Approaches

2.1 The following general criteria must be met for an alternative capture efficiency protocol and test methods to qualify under the DQO or LCL approach.

2.2 An alternative CE protocol must consist of at least three valid test runs. Each test run must be at least 20 minutes long. No test run can be longer than 24 hours.

2.3 All test runs must be separate and independent. For example, liquid VOC input and output must be determined independently for each run. The final liquid VOC sample from one run cannot be the initial sample for another run. In addition, liquid input for an entire day cannot be apportioned among test runs based on production.

2.4 Composite liquid samples cannot be used to obtain an “average composition” for a test run. For example, separate initial and final coating samples must be taken and analyzed for each run; initial and final sam-

ples cannot be combined prior to analysis to derive an “average composition” for the test run.

2.5 All individual test runs that result in a CE of greater than 105 percent are invalid and must be discarded.

2.6 If the source can demonstrate to the regulatory agency that a test run should not be considered due to an identified testing or analysis error such as spillage of part of the sample during shipping or an upset or improper operating conditions that is not considered part of normal operation then the test result for that individual test run may be discarded. This limited exception allows sources to discard as “outliers” certain individual test runs without replacing them with a valid test run as long as the facility has at least three valid test runs to use when calculating its DQO or LCL. This exception is limited solely to test runs involving the types of errors identified above.

2.7 All valid test runs that are conducted must be included in the average CE determination. The individual test run CE results and average CE results cannot be truncated (i.e., 105 percent cannot be reported as 100+ percent) for purposes of meeting general or specific criteria for either the DQO or the LCL. If the DQO is satisfied and the average CE is greater than 100, then 100 percent CE must be considered the result of the test.

2.8 Alternative test methods for measuring VOC concentration must include a three-point calibration of the gas analysis instrument in the expected concentration range.

## 3. Data Quality Objective Approach

3.1 The purpose of the DQO is to allow sources to use alternative CE protocols and test methods while ensuring reasonable precision consistent with pertinent requirements of the Clean Air Act. In addition to the general criteria described in section 2, the specific DQO criterion is that the width of the two-sided 95 percent confidence interval of the mean measured value must be less than or equal to 10 percent of the mean measured value (see Figure 1). This ensures that 95 percent of the time, when the DQO is met, the actual CE value will be  $\pm 5$  percent of the mean measured value (assuming that the test protocol is unbiased).